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Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

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PROPOSAL BY THE DELEGATION OF THE UNITED KINGDOM

Document prepared by the Secretariat

In a communication dated February 2, 2026, the Delegation of the United Kingdom transmitted to the International Bureau of the World Intellectual Property Organization (WIPO) the proposal contained in the Annex to the present document.

[Annex follows]

PROPOSAL BY THE UNITED KINGDOM REGARDING THE PROTECTION OF WELL-KNOWN MARKS

INTRODUCTION

1. The Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks (the "JR") was adopted by the Paris Union Assembly and the WIPO General Assembly in 1999. The digital landscape has evolved at such a fast pace since 1999, with the expansion of global markets, e-commerce and online infringements that the current JR may not afford sufficient protection for well-known marks. A mark may become well-known before its physical presence enters any market through its widespread use on digital platforms, social media and promotion by influencers. Also, the current factors that determine whether a mark is well-known may have changed given the digital landscape of today.

PROPOSAL

2. The UK considers that now is a good time to undertake a review of the protections for well-known marks, to ensure they are fit for the twenty-first century. We therefore propose that the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) agree to conduct a fact-finding survey among WIPO Member States and stakeholders to determine well-known mark practices in their respective jurisdictions. We do not propose revisiting existing international treaties to scrutinise or amend their contents. Nor is the UK proposing any new international instruments regarding protection of well-known marks.

3. Following completion, if the survey indicates that further clarifications are required amongst Member States on any aspects of well-known marks protection, the International Bureau could produce guidelines on well-known marks protection to assist Member States.

4. The data gathered from this survey could be published on the WIPO website to assist businesses before they enter new markets. This may also encourage businesses to consider registering their marks for the extra level of protection.

BACKGROUND

Current International Protection

5. The global protection of well-known marks is currently governed by Article 6*bis* of the Paris Convention for the Protection of Industrial Property, Article 16(2) and 16(3) of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks. The international agreements create binding obligations on Member States, whereas the JR is a non-binding recommendation and provides guidance to Member States to determine what constitutes a well-known mark, whilst allowing for domestic policy and legislative flexibility.

Previous Discussions

6. This issue was last discussed at the SCT in 2019, when the Delegation of the Republic of Korea (RoK) submitted a proposal on the protection of well-known marks at the Forty-Second Session[1]. This proposed a fact-finding survey conducted by WIPO on well-known marks protection across Member States and suggested a new international treaty. Whilst the proposal for a survey received widespread support from delegations, including comments on the importance for national offices to learn about well-known mark practices across other jurisdictions. There was no support for considering a new treaty.

[1] https://www.wipo.int/edocs/mdocs/sct/en/sct_42/sct_42_5.pdf

7. There have been no subsequent discussions following RoK's proposal in 2019 and the UK believes there is merit in revisiting this topic. It was noted at the Forty-Second Session of the SCT that members were interested in the fact-finding survey and further discussions on well-known marks. Stakeholder user groups, who are advocates for well-known marks protection, also agree that a review should be undertaken, given the advances in technology and change in how business is conducted since the JR was first introduced. They also consider that businesses and rights holders should be able to protect their marks effectively across jurisdictions should they become well known before their physical presence reaches new markets.

Possible Survey Themes

8. To enable the survey results to return beneficial information for consideration and further discussion, it is vital to ask the right questions and formulate them so they can be answered without any ambiguity. As a starting point for discussion, the UK proposes that the following themes be included in the survey:

- **Assessment criteria to determine a well-known mark**
  There is no statutory definition of a well-known mark, and each jurisdiction would have its own criteria and interpretation to determine a well-known mark. A possible question could be for members to explain the assessment criteria for how well-known marks are determined in their respective jurisdictions.

- **Legal framework at jurisdiction level, practices and case law**
  SCT members could also be asked how their legal framework and practices protect well-known marks including common law practices that may exist. Members could also include any relevant case law that has been established around well-known marks.

- **Best practice in dealing with well-known marks**
  Well-known marks could be more prevalent in certain jurisdictions and as a result these jurisdictions may have more experience and an established set of guidelines in dealing with these marks.

CONCLUSION

9. The UK welcomes discussion on this proposal from the SCT, in particular discussion of topics to include in the proposed survey. The UK requests the SCT to agree to the proposal to conduct a survey, and to agree to the broad content of topics to be included.

[End of Annex and document]